

# YOUTH SERVICES POLICY

<b>Title:</b> Searches of Youth <b>Next Annual Review Date:</b> 05/29/2010	<b>Type:</b> C. Field Operations <b>Sub Type:</b> 2. Security <b>Number:</b> C.2.3
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<b>References:</b> ACA Standards 2-CO-3A-01, 2-CO-3C-01 (Administration of Correctional Agencies), 4-JCF-2A-20, 4-JCF-2A-22 (Performance-Based Standards for Juvenile Correctional Facilities); YS Policies C.1.3 "Crimes Committed on the Grounds of Youth Services Facilities/Office Buildings and/or Properties" and C.2.9 "Correspondence and Packages"; DYS Policy 10.27 "Searches of Juveniles"; U.S. Constitution 4th and 14th Amendments; Louisiana Constitution, Article 1, Section 5; La.R.S. 14:402; Bell v. Wolfish, 441 U.S. 520 (1979); Woodfox v. Phelps, No. 209,535 "H", 19th JDC (1978); and Thorne v. Jones, 765 F.2d 1270 (5th Cir., 1985)	
<b>STATUS: Approved</b>	
<b>Approved By:</b> Mary L. Livers, MSW, Ph.D., Deputy Secretary	<b>Date of Approval:</b> 05/29/2009

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish the Deputy Secretary's policy regarding searches of youth at secure facilities.

## III. APPLICABILITY:

The Deputy Secretary, Deputy Undersecretary or designee, Chief of Staff, Deputy Assistant Secretaries, Facility Directors, and Regional Managers are responsible for ensuring that all necessary procedures are in place to comply with this policy and for advising all affected persons of its content.

## IV. POLICY:

The United States and Louisiana Constitutions prohibit unreasonable searches. However, the safe operation of all facilities and the safety and welfare of all staff, visitors, and youth at those facilities require that contraband be controlled and eliminated on facility grounds and among the youth population. Therefore, it is

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the policy of the Deputy Secretary that frequent unannounced searches of youth and/or their living areas to which they have access, shall be conducted as often as necessary to ensure safety and security. Searches shall be conducted in a professional manner that avoids unnecessary force and supports the dignity of the youth while still accomplishing the objectives of the search.

## V. DEFINITIONS:

For the purpose of this policy the following definitions shall be applicable:

**General Search** - A routine search of one or more individual youth or a large group of youth such as an entire dormitory. Both person and property may be searched. During a general search, youth may be required to remove clothing down to their underwear in order that the clothing may be searched and the youth's person visually observed. This may take place *en masse*, in the presence of other youth. Youth who claim that they are not wearing underwear will be required to remove their clothing anyway.

**Pat-Down Search** - A search of a fully-clothed person for the purpose of discovering contraband. The youth being searched may be required to empty his pockets or any other thing where items may be stored or carried in order that they are searched for contraband.

The youth being searched may also be required to remove all outerwear, (coats, jackets, hats, caps, gloves, shoes, socks, etc.) in order that these items may be searched. He may be required to run his hands through his hair, turn his pant pockets inside out, and open his mouth for inspection. He shall not be required to remove articles of clothing which are his basic dress (i.e. shirts, pants).

The person conducting the search shall use his hands to touch the youth being searched, through his clothes, in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump or bulge, etc. he will order the youth to disclose the source of the unusual lump.

**Probable Cause** - Probable cause is articulable knowledge supported by reasonable suspicion that contraband is being secreted. Probable cause exists when facts and circumstances within the employee's knowledge and about which he has reasonable, trustworthy information are sufficient to support a reasonable belief that an offense has been committed and that contraband may be found at the place or on the person to be searched.

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**Property Searches** - Searches of any and all property including, but not limited to, clothing, lockers, rooms, beds, laundry bags, assigned work equipment, and work areas.

**Reasonable Suspicion** - Suspicion supported by information (facts, tips and circumstances) which leads an employee of ordinary caution to believe that a youth is secreting contraband in or on his body or elsewhere in his area of immediate control. Factors to consider in determining reasonable suspicion include the following:

1. nature of the tip or other information;
2. reliability of the information;
3. degree of corroboration of tip or other information; and
4. other facts contributing to suspicion or lack thereof.

**Search Equipment** - Search equipment authorized for use is hand-held transfriskers, ground metal detectors, walk-thru metal detectors and mirrors.

**Strip Search** - A visual search of a youth's nude body, in a place out of the view of other persons. The youth will be required to bend over, squat, turn around, raise his arms, and/or lift the genitals. The youth's clothes shall be thoroughly searched prior to being returned to the youth.

All strip searches shall be conducted by facility staff of the same gender as the youth in a place out of the view of other persons. Strip searches should be conducted by one staff member and witnessed by one additional staff member. Two staff members must be present at all times during the search.

Strip searches must be documented in the post, shift log or shakedown report. Documentation shall indicate the circumstances giving rise to the search (e.g., routine or other) and results of the search. In the event contraband is found a UOR shall be completed by the employee conducting the search.

**Visual Body Cavity Search** - A search having the characteristics of a strip search with the addition of a visual search of the anal opening, whereby the youth is required to bend over and open the cheeks of the buttocks. The youth's clothes shall also be thoroughly searched prior to being returned to the youth.

## VI. WHEN SEARCHES ARE PERMITTED:

- A. Property Search: Property searches may be conducted at any time.

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- B. Pat-Down Search: Pat-down searches may be conducted at any time.
- C. General Search: General searches may be conducted at any time.
- D. Strip Search: Strip Searches may be conducted according to policy and approval by the Facility Director without the requirement of reasonable suspicion.
- E. Visual Body Cavity Search: A visual body cavity search shall be conducted routinely under the following circumstances:
  - 1. When a youth is entering or leaving the facility. For instance, when a youth is called for a court appearance, hospital trip, work detail, escorted absence with family, furloughs, etc.
  - 2. After a physical contact visit between the youth and visiting relatives, friends, or attorneys.
  - 3. When a youth is entering or leaving the Crisis Intervention Unit (Cypress or Winter).

Otherwise, a visual body cavity search may be conducted only upon a specific and particular showing of reasonable suspicion, and under the privacy and documentation requirements established for strip searches.

## **VII. SEARCHES BY NARCOTIC DOGS:**

Narcotic dogs may be used during a search at any time. Only those narcotic dogs certified by a nationally recognized certifying agency may be used to conduct searches of property for the presence of drugs. Nationally recognized organizations include the National Police Canine Association, United States Police Canine Association and National Narcotics Detector Dog Association. The Facility Director/designee or Investigative Services staff requesting narcotic dog services shall ensure that at the time of the request the dog(s) have current certifications.

Searches of youth and/or youth's property by trained narcotic dogs may be conducted at any time.

## **VIII. DISPOSAL OF CONTRABAND:**

Contraband or unauthorized property found during a search shall be disposed of in accordance with YS Policy No. C.2.9.

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### **IX. TRAINING:**

Each Unit Head shall ensure that all current employees receive training relative to the contents of this policy and all new employees receive this training either during orientation, during in-service training or other designated time. This policy is to be part of the annual in-service training curriculums. Instructions on how to file complaints must be readily available to staff.

**Previous Regulation/Policy Number:** C-02-003 / C.2.3

**Previous Effective Date:** 12/15/1992



**Attachments/References:** C.2.3 (a) Search Report - May 2009.doc